

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NORTHEASTERN DIVISION

UNITED STATES OF AMERICA	)	
	)	
	)	No. 2:19-cr-00013
v.	)	
	)	Chief Judge Crenshaw
	)	
GEORGIANNA A.M. GIAMPIETRO	)	

GOVERNMENT’S MOTION FOR LEAVE TO FILE OVERSIZE REPLY

The United States of America, by and through undersigned counsel, requests that the Court allow the filing of reply to defendant Georgianna A.M. GIAMPIETRO’s Response to Government’s Notice Regarding 404(b) Evidence and Memorandum of Law (Doc. 166) that exceeds five pages. In support of this request, the government sets forth as follows:

1. On May 22, 2020, the government filed a Notice Regarding 404(b) Evidence. (Doc. 102.) In that Notice, the government represented that it intended to introduce a substantial amount of evidence which, although it relates to conduct which precedes the approximate dates of the specific offenses alleged in Counts One, Two, and Three of the Superseding Indictment, is nevertheless intrinsic to those offenses and is therefore admissible as evidence of those offenses. (*Id.* at 1.) The government represented further that this evidence is additionally, or alternatively, admissible for various purposes under Rule 404(b)(2) or for other purposes, as outlined in the Notice. (*Id.*)

2. On June 12, 2020, GIAMPIETRO filed a “Response” to this Notice. (Doc. 116.) Although captioned as a “Response,” this filing is effectively a motion to exclude nearly all of the evidence identified in the government’s Notice, on a variety of grounds. This filing also purports to advance several additional arguments only tangentially related to the substance of the Notice,

including (for example) that Count One of the Superseding Indictment fails to state an offense. (See *id.* at 17 n.18, 19.)

3. The government's reply is due on July 17, 2020.<sup>1</sup>

4. Middle District of Tennessee Local Rule 7.01(a)(4) provides that replies shall not exceed five pages without leave of the Court.

5. In order to address the panoply of arguments GIAMPIETRO has raised in her Response in a comprehensive way, it is necessary for the government to file a reply that exceeds five pages. The government believes that doing so will ensure that issues surrounding the evidence outlined in the government's Notice are litigated on a full and complete record. The government also believes that doing so will aid the Court in its consideration of issues related to the admissibility of the substantial body of evidence outlined in the government's Notice.

WHEREFORE, the government respectfully requests that the Court grant the instant motion and permit the government to file a reply to GIAMPIETRO's Response to Government's Notice Regarding 404(b) Evidence and Memorandum of Law that exceeds five pages.

Respectfully submitted,

DONALD Q. COCHRAN  
United States Attorney

By: /s/ Ben Schrader  
BEN SCHRADER  
Assistant United States Attorney  
Middle District of Tennessee

Dated: July 17, 2020

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<sup>1</sup> At a status hearing on June 19, 2020, the parties asked that they be permitted to file replies to pending motions by July 17, 2020, rather than by July 3, 2020, as provided for in the Court's Scheduling Order. The Court granted that request, but in a written order following the status conference the Court set July 17, 2021, as the due date for replies. The government is nevertheless filing the instant reply on July 17, 2020.

**CERTIFICATE OF SERVICE**

I hereby certify that on July 17, 2020, I sent a copy of the foregoing via the Court's electronic filing system to counsel for the defendant.

s/ Ben Schrader  
BEN SCHRADER  
Assistant United States Attorney